

5 - - - - -X
6 IN THE MATTER OF: :
7 S & B Market, LLC :
8 t/a MLK Mini Market :
9 3333 MLK, JR Ave. SE : Case #15-PRO-00117
10 License #95905, Retailer B : Show Cause Hearing
11 ANC-8C : (status)
12 Substantial Change (Class :
13 Change from Class B Grocery :
14 to Class A Liquor Store) :
15 - - - - -X

17 Wednesday, January 20, 2016

19 Whereupon, the above-referenced matter
20 came on for hearing at the Alcoholic Beverage
21 Control Board, Reeves Center, 2000 14th Street,
22 N.W., Suite 400S, Washington, D.C. 20009.

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1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9 MIKE SILVERSTEIN

10

11 ALSO PRESENT:

12 MARY CUTHBERT, ANC 8C

13 MEKDES ESHETE

14 BIRUKTAYT MAMO KELISA

15 on behalf of the Applicant

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1 P R O C E E D I N G S

2 [9:37 a.m.]

3 CHAIRMAN ANDERSON: Good morning,
4 everyone. I'd like to welcome you today, regular
5 scheduled meeting of the District of Columbia
6 Alcoholic Beverage Control Board. Please note
7 that today's hearings will be conducted in
8 accordance with DC Official Code, Section 2-574
9 of the Open Meetings Act.

10 Today is January 20th, 2016. I would
11 like to introduce members of the board with us
12 today. To my far right is Ms. Ruthanne Miller.
13 To my immediate left is Mr. James Short. My name
14 is Donovan Anderson. I am the Chairperson.
15 There are three members in attendance for the
16 conduct of meeting today, and so we do have a
17 quorum. The other members will join us shortly.

18 I would like to mention two things before
19 we get started. First of all, if you have any
20 electronic devices, pagers, cell phones, or such,
21 please make certain that they've turned off to
22 avoid any interruption of proceedings.

1 Secondly, there is a piece of paper on
2 each table. When you come forward as the case is
3 called, please take a seat at the table, and
4 please sign in. This is to ensure the correct
5 spelling of your name, for the record.
6 Additionally, when you introduce yourself for the
7 record, please spell your name aloud for the
8 court reporter.

9 I would like to take note that the
10 approximate time is 9:36, and during my
11 introduction we were joined by Mr. Mike
12 Silverstein.

13 MR. SILVERSTEIN: Good morning.

14 CHAIRMAN ANDERSON: Good morning.

15 Mr. Alberti is here; he'll join us
16 shortly. All right. All right. All right.

17 The first case on our cold, this hearing
18 status is case number 15-PRO-00117, MLK Mini
19 Market, license number 95905. Would the parties
20 please approach? And while the parties are
21 approaching, Mr. Nick Alberti has joined us.

22 MR. ALBERTI: Thank you. My apologies.

1 [Pause.]

2 CHAIRMAN ANDERSON: And there is a paper
3 in front of you. Can you please sign that paper?
4 Sign your name on that paper, please.

5 MS. ESHETE: It's not that cold inside.

6 [Laughter.]

7 MS. ESHETE: I noticed the cold outside,
8 but it's not very cold inside.

9 CHAIRMAN ANDERSON: She doesn't want to
10 get too comfortable.

11 All right. Can you please identify
12 yourself for the record? Please start with the
13 agency.

14 MS. CUTHBERT: Good morning. I'm Mary
15 Cuthbert, Chair of the Advisory Neighborhood
16 Commission 8C, in which this mini-market is
17 located.

18 CHAIRMAN ANDERSON: Thank you.

19 MS. CUTHBERT: C-u, T as in Tom, H as in
20 Harry, B as in Boy, e-r-t.

21 MS. ESHETE: Good morning. We're here on
22 behalf of --

1 CHAIRMAN ANDERSON: You need to speak up,
2 lift up.

3 MS. ESHETE: We're here on behalf of MLK
4 Mini Market. My name is Mekdes Eshete, M-e-k-d-
5 e-s E-s-h-e-t-e.

6 MS. KELISA: My name is Biruktayt Mamo
7 Kelisa, B-i-r-u-k-t-a-y-t M-a-m-o K-e-l-i-s-a.

8 CHAIRMAN ANDERSON: Would you please,
9 just -- what's your role in the Mini Market?
10 What position?

11 MS. ESHETE: I manage it, and she's
12 owner, part-owner. There's another owner.

13 CHAIRMAN ANDERSON: Okay. All right.
14 Okay. That's fine.

15 Now, the ANC was granted standing at the
16 roll call hearing. If there are any other
17 parties who signed the protest petition but did
18 not make appearance at the roll call hearing and
19 did not submit a letter -- I'm sorry.

20 The purpose of the protest hearing is to
21 state -- is to determine the appropriateness of
22 the establishment in the section of the District

1 where the establishment is located. This case is
2 scheduled for a hearing on February 24th, at 4:30
3 p.m. Do you have that date?

4 MALE VOICE: I can.

5 CHAIRMAN ANDERSON: And now, now that we
6 have scheduled the protest hearing, there are a
7 few things that I would like to instruct you,
8 both parties, so you can focus on the issues.
9 When we have the hearing, we want to focus on the
10 issues specifically for whether or not this
11 establishment is appropriate for the area that
12 it's in.

13 The board does not intend to hear
14 testimony in matters that are not relevant to
15 this case. You should receive by now our regular
16 email, our regular mail, a letter explaining the
17 protest process, a copy of the protest
18 information, a copy of the exhibit form. And if
19 you do not have these documents, please contact
20 the General Counsel, Ms. Raines, and she will
21 provide you the information.

22 Do you understand the process that we

1 have here for the protest hearing?

2 MS. ESHETE: Yes.

3 CHAIRMAN ANDERSON: Okay. It is very
4 important that you adhere to the rules for the
5 protest hearing. You're required to file the
6 protest information form and exhibit seven days
7 before the hearing. These two forms and
8 accompanying documents need to be submitted to
9 ABRA's Legal Division and all opposing parties in
10 this matter.

11 If we do not receive our copy of the
12 protest information form, whichever side you're
13 representing, you may be subject to dismissal.
14 Likewise, if we do not receive a copy of your
15 exhibit form and exhibits themselves, your
16 exhibits may be excluded from the record, upon I
17 find that the opposing party has been prejudiced
18 for no good cause for the failure to submit has
19 been shown.

20 Likewise, if you have any witnesses, they
21 might also be excluded if you do not provide us
22 the name of the witnesses in a document seven

1 days before the hearing.

2 And as I said before, our issue is that
3 you narrow the issue -- and I guess this is more
4 so to the ANC -- is to narrow the issue in
5 whether or not the purpose of the protest and
6 whether or not the Applicant, this license, is
7 appropriate for the area that we're in.

8 That's all I have to say. I hope that
9 you guys are able to settle this thing, because
10 us in the board prefer that the community comes
11 to an agreement. But if the community cannot
12 come to an agreement, then we have to decide.

13 So if not, I will see you guys here
14 February 24th at 4:30. And good luck in your
15 conversation and negotiations, okay?

16 MS. CUTHBERT: Chairman Anderson.

17 CHAIRMAN ANDERSON: Yes, Ms. Cuthbert.

18 MS. CUTHBERT: We did have a meeting with
19 the mediator last week.

20 CHAIRMAN ANDERSON: Yes. And I hope that
21 that went well.

22 MS. CUTHBERT: It was interesting. Let

1 me put it that way.

2 CHAIRMAN ANDERSON: If it's interesting?

3 Well, I mean, the parties are always -- the
4 parties -- we want the parties to continue to
5 negotiate, to continue to come up to an
6 agreement. And my goal is just to rubberstamp
7 what you folks have agreed to.

8 MS. CUTHBERT: Okay.

9 CHAIRMAN ANDERSON: But if you can't
10 agree to something, then we have to make a
11 decision. But I'm hoping that you guys will
12 continue to talk, and hopefully you'll come up
13 with an agreement that's beneficial to both
14 parties.

15 So if you don't have any other questions,
16 if I say -- when I say it this way, I hope not to
17 see you on February 24th. But it's hoping that
18 the parties will come up to an agreement that's
19 beneficial for both sides. Okay?

20 MS. CUTHBERT: Okay.

21 CHAIRMAN ANDERSON: All right. Thank
22 you.

1 MR. SILVERSTEIN: Mr. Chair.

2 CHAIRMAN ANDERSON: Yes. Hold on. Yes,
3 Mr. Silverstein.

4 MR. SILVERSTEIN: I would like to add one
5 thing. I wish you well on this. But when you --
6 if you do come to an agreement, and we're not
7 pressuring you to do so. But if you do, please
8 let us know as soon as you can, because we're
9 going to -- every license in the City comes up
10 this year. So we're going to be very, very busy.
11 We're going to have things delayed.

12 And if you do come to an agreement, the
13 sooner you tell us, we don't have to send an
14 investigator out to do a report. We can open up
15 that slot so that someone else can get speedier
16 hearing from us.

17 So, you know, just because there's a
18 deadline of, say, April 1st or something, if you
19 come to agreement the 1st of March, let us know
20 right then so that we can help other people and
21 we can keep our schedule moving quickly. And
22 that's for everyone else, too.

1 CHAIRMAN ANDERSON: Just one correction I
2 want to make. The documents should be provided
3 to April Randall in our office. I'll give you
4 her phone number. Her number is 202-442-4353.
5 So, if you have any concerns that you don't know
6 how to do the process, you can contact her and
7 she'll let you know how to provide the documents
8 to her seven days before the hearing.

9 MS. KELISA: What's her name again?

10 CHAIRMAN ANDERSON: April, A-p-r-i-l,
11 Randall, R-a-n-d-a-l-l. Okay?

12 MS. KELISA: Thank you.

13 CHAIRMAN ANDERSON: All right. Thank
14 you, and good luck.

15 MR. SILVERSTEIN: Stay warm.

16 CHAIRMAN ANDERSON: That's what I like.

17 [Whereupon, at 9:51 a.m., the
18 above-entitled matter concluded.]

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